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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,382	07/02/2003	Francois G. Moore	064731.0379	3685
5073	7590	07/12/2007		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER IBRAHIM, MOHAMED	
			ART UNIT 2144	PAPER NUMBER
			NOTIFICATION DATE 07/12/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/612,382

Applicant(s)

MOORE ET AL.

Examiner

Mohamed Ibrahim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (Jones), U. S. Patent 5771381 in view of Zabawskyj et al (Zab), U. S. Publication Application No. 2002/0150079.

Regarding claim 1, Jones discloses a method for provisioning a network element (see e.g. col. 4 lines 29-42 and fig. 3 element 302; network computer system); comprising: providing a custom default file and a standard default file in a network element, the custom default file; wherein the default parameters are associated with commands (see e.g. col. 6 lines 53-65 and also see fig. 2; default configuration file and customized configuration files are provided) comprising one or more default parameters of a same type as, but having a different value from, corresponding default parameters in the standard default file (see e.g. col. 7 lines 1-24; the customized user file is organized as a node which contains value/parameters that is unique to each user); determining service parameters for a service based on default parameters of the standard default file as modified by overriding default parameters of the custom default file (see e.g. fig. 7 and col. 7 line 57-col. 8 lines 34; applications are loaded based on each user's

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configuration files which contains parameters that are unique to the particular user); and establishing the service based on the service parameters (see e.g. col. 7 lines 31-56; when a user logs on to the computer system, that user's profile file is loaded into local registry under the USERS node and sets the current_USER node to indicate the current user. The node also contains).

Although Jones discloses the invention substantially as claimed, it does not explicitly disclose provisioning the network element telecommunication services.

However, Zab teaches method for provisioning and generating telecommunication services based on the parameters associated with a given network element and subscriber's profile (see e.g. paragraph [0023], [0097]). At the time of the invention it would be obvious to a person of ordinary skills in the art to combine the system of adding configurations files for users in Jones to offer telecommunication services as taught by Zab. Motivation for doing so would have been to provide open service creation environment which provides developers the ability to generate and provision applications in a telecommunication network (see Zab, paragraph [0022]).

Regarding claim 2, Jones-Zab teaches further comprising: receiving a retrieve default command of an element manager requesting the default parameters of the custom default file; and forwarding the one or more default parameters of the custom default file to the element manager in response to the retrieve default command (see e.g. fig. 2 and col. 6 lines 52-65; a default file is loaded for each user that logs on based on user identification and preference).

Regarding claim 3, Jones-Zab teaches wherein providing the custom default file further comprises storing the custom default file in a non-volatile memory of the network element (see e.g. col. 5 lines 23-32 and col. 6 lines 28-52).

Regarding claim 4, Jones-Zab teaches further comprising re-determining the service parameters for the service in response to a reloading event by: re-determining the service parameters for the service based on the default parameters of the standard default file as modified by overriding default parameters of the custom default file; and re-establishing the service based on the service parameters (see e.g. col. 7 lines 31-56; when user logs on the system loads the most recently updated user's profile file and set the Current-User node to indicate the current user otherwise it loads the default user profile).

Regarding claim 5, Jones-Zab teaches wherein the reloading event comprises an event selected from the group consisting of a power-up sequence, a processor restart, a software download, and a software upgrade (see e.g. col. 10 lines 49-64 and col. 14 lines 43-61).

Regarding claim 6, Jones-Zab teaches wherein the custom default file and the standard default file are stored in disparate types of memory (see e.g. col. 5 lines 17-46).

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Regarding claim 7, Jones-Zab teaches wherein the standard default file is hardcoded in hardware (see e.g. col. 5 lines 60-67; the default file is hardcoded).

Regarding claim 8, Jones-Zab teaches wherein the custom default file is stored as software (see e.g. col. 5 lines 23-32; user configuration file is stored).

Regarding claim 9, Jones-Zab teaches wherein the custom default file comprises default parameters of a type selected from a group consisting of threshold driven parameters and non-threshold parameters (see e.g. fig. 7 and col. 8 lines 35-55).

Regarding claim 10, the limitation of this claim has already been addressed (see claim 9 above).

Regarding claim 11, Jones-Zab teaches wherein the non-threshold parameters comprise parameters associated with a category selected from a group consisting of allow and inhibit monitoring category, allow and inhibit COMM monitoring category, initialize monitoring category, set threshold T1 clock category, edit system category, enter ethernet category, edit ethernet category, enter clock category, and edit clock category (see e.g. col. 5 lines 16-32; a choice by the user to edit and customize the system is provided).

Regarding claim 12, Jones discloses a network element (see e.g. fig. 3 item 302;

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computer), comprising: a memory comprising a custom default file and a standard default file (see e.g. fig. 3 item 306 and see e.g. col. 6 lines 53-65 and also see fig. 2; default configuration file and customized configuration files are provided), the custom default file comprising one or more default parameters of a same type as, but having a different value from, corresponding default parameters in the standard default file, wherein the default parameters are associated with commands (see e.g. col. 7 lines 1-24; the customized user file is organized as a node which contains value/parameters that is unique to each user); and a controller coupled to the memory and operable to: determine service parameters for a service based on default parameters of the standard default file as modified by overriding default parameters of the custom default file (see e.g. fig. 7, and fig. 3 item 304 also col. 7 line 57-col. 8 lines 34; applications are loaded based on each user's configuration files which contains parameters that are unique to the particular user); and generate the service based on the service parameters (see e.g. col. 7 lines 31-56; when a user logs on to the computer system, that user's profile file is loaded into local registry under the USERS node and sets the current_USER node to indicate the current user. The node also contains).

Although Jones discloses the invention substantially as claimed, it does not explicitly disclose provisioning the network element telecommunication services.

However, Zab teaches method for provisioning and generating telecommunication services based on the parameters associated with a given network element and subscriber's profile (see e.g. paragraph [0023], [0097]). The same motivation utilized in the combination of claim 1, equally applies as well to claim 12.

Regarding claim 13, the limitations of this claim have already been addressed (see claim 2 above).

Regarding claim 14, the limitation of this claim has already been addressed (see claim 3 above).

Regarding claim 15, the limitations of this claim have already been addressed (see claim 4 above).

Regarding claim 16, the limitation of this claim has already been addressed (see claim 5 above).

1 Regarding claim 17, the limitations of this claim has already been addressed (see claim 6 above).

Regarding claim 18, the limitation of this claim has already been addressed (see claim 7 above).

Regarding claim 19, the limitation of this claim has already been addressed (see claim 8 above).

Regarding claim 20, the limitations of this claim have already been addressed (see claim 9 above).

Regarding claim 21, the limitation of this claim has already been addressed (see claim 10 above).

Regarding claim 22, the limitations of this claim have already been addressed (see claim 11 above).

Regarding independent claim 23, the limitations of this claim have already been addressed (see claim 1 above). The same motivation utilized in the combination of claim 1, equally applies as well to claim 23.

Regarding claim 24, the limitations of this claim have already been addressed (see claim 2 above).

Regarding claim 25, the limitation of this claim has already been addressed (see claim 3 above).

Regarding claim 26, the limitations of this claim have already been addressed (see claim 4 above).

Regarding claim 27, the limitation of this claim has already been addressed (see claim 5 above).

1 Regarding claim 28, the limitations of this claim has already been addressed (see claim 6 above).

Regarding claim 29, the limitation of this claim has already been addressed (see claim 7 above).

Regarding claim 30, the limitation of this claim has already been addressed (see claim 8 above).

Regarding claim 31, the limitations of this claim have already been addressed (see claim 9 above).

Regarding claim 32, the limitation of this claim has already been addressed (see claim 10 above).

Regarding claim 33, the limitations of this claim have already been addressed (see claim 11 above).

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Regarding independent claim 34, the limitations of this claim have already been addressed (see claim 1 above). The same motivation utilized in the combination of claim 1, equally applies as well to claim 34.

Regarding independent claim 35, the limitations of this claim have already been addressed (see claims 1-11 above). The same motivation utilized in the combination of claim 1, equally applies as well to claim 35.

Response to Arguments

3. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In *re Preda*, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and *In re Shepard*, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In *re Sovish*, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In *re Jacoby*, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In *re Bozek*, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on

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knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. It is advised that, in order to further expedite the prosecution of the application in response to this action, Applicant should amend the base claims to describe in more narrow detail the true distinguishing features of Applicant's claim invention.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

Cited Prior Art of Record

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-

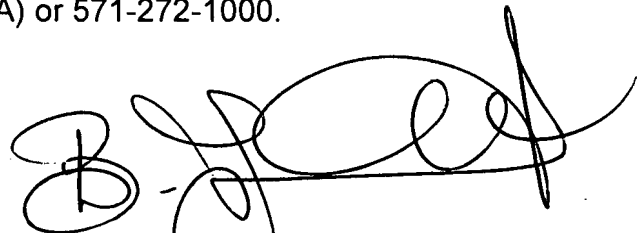
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1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MII/ *mt*



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

7/6/17